

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DUDLEY L. BLACKBIRD,

Defendant.

8:09CR347

ORDER

Defendant Dudley L. Blackbird (Blackbird) appeared before Magistrate Judge F. A. Gossett on January 11, 2013, on the Petition for Warrant or Summons for Offender Under Supervision (Petition) (Filing No. 45). Blackbird was represented by Assistant Federal Public Defender Karen M. Shanahan and the United States was represented by Assistant U.S. Attorney Michael P. Norris. Through his counsel, Blackbird waived his right to a probable cause hearing on the Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). Blackbird was held to answer for a final dispositional hearing before Senior Judge Lyle E. Strom.

The government moved for detention. Through counsel, Blackbird requested a detention hearing which was scheduled before the undersigned magistrate judge on January 15, 2013, at 1:30 p.m. Blackbird again appeared before the court and he was represented by AFPD Shanahan and the United States was represented by AUSA Norris. Blackbird declined to present any evidence on the issue of detention. Since it is Blackbird's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Blackbird has failed to carry his burden and that Blackbird should be detained pending the dispositional hearing before Senior Judge Strom.

IT IS ORDERED:

1. A final dispositional hearing will be held before Senior Judge Lyle E. Strom in Courtroom No. 5, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 10:00 a.m. on February 28, 2013**. Defendant must be present in person.

2. Defendant Dudley L. Blackbird is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 15th day of January, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge